

REMARKS

Claims 1 and 9 are independent and stand rejected under 35 U.S.C. § 102 as being anticipated by JP '630, JP '161, and JP '442. These rejections are respectfully traversed for the following reasons.

Claims 1 and 9 each recite in pertinent part an end portion that is "bent to form a bent portion and said bent portion is directly connected to said current collector plate." Support for this feature can be found, for example, on page 15, lines 14-18 of Applicants' specification (exemplary embodiments shown in Figures 4 and 5 of Applicants' drawings). None of JP '630, JP '161, and JP '442 disclose or suggest such a feature. Indeed, the alleged "end portions" of JP '630, JP '161, and JP '442 are all defined as straight, un-bent portions which are simply natural continuations of the respective foils.

New claim 10 recites in pertinent part, "said battery case comprises a cylindrical part with an *inwardly extending* bottom, said cylindrical part with the bottom has a through hole in the bottom, said current collector plate is provided with a protrusion to be fitted in said through hole, and said protrusion is welded to the edge around said through hole" (emphasis added). One exemplary embodiment of the present invention as embodied by claim 10 is illustrated in Figure 5 of Applicants' drawings, whereby the cylindrical part includes an inwardly extending bottom having a through hole 213 in which a protrusion 209a is fitted. It is respectfully submitted that none of the cited prior art discloses or suggests such a feature in combination with the other elements recited in claim 10.

With respect to JP '442, which the Examiner relied on for rejecting claim 4, it is noted that the alleged battery case 2 does not include a cylindrical part *with an inwardly extending bottom* having a through hole in the bottom. In this regard, the battery case 2 of JP '442 does not include a

cylindrical part with a bottom, but instead includes a cylindrical part with a bottom opening (i.e., open ended) defined by the inner surface of the *outer* peripheral walls of the cylindrical part. The battery case 2 of JP '442 does not include an inwardly extending bottom with the hole therethrough.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that the cited prior art does not anticipate the independent claims, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as the independent claims are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are


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any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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